

**MARYLAND DEPARTMENT OF THE ENVIRONMENT**

**Shari T. Wilson, Secretary**

**BILL NO:** HB 1083

**COMMITTEE:** Environmental Matters

**POSITION:** Oppose

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**TITLE:** Environment–On–Site Sewage Disposal Systems–Requirements

**BILL ANALYSIS:**

This bill proposes to require inspections of on-site sewage disposal systems (OSDS) once every ten years and phasing in the requirement such that 10% of the on-site sewage disposal systems in the State be inspected each year, beginning January 1, 2011.

The bill requires MDE to adopt regulations that mandate the inspection of OSDS and require all new and replacement systems to use Best Available Technology (BAT) by January 1, 2011.

Funds collected from OSDS users available to upgrade OSDS is reduced to from 60 % to 40 % and can also be used to replace failing systems identified as part of an inspection if the owner can demonstrate hardship.

The bill also provides for a 10 percent tax credit can be claimed for upgrading a new or existing OSDS to BAT or replacing a failing OSDS with an OSDS that includes BAT. The tax credit can be claimed for up to 10 years and shall be reduced by any grant received for said work.

**POSITION AND RATIONALE:**

The Department opposes this legislation due to its fiscal impact on the Department and the Bay Restoration Fund. The Department does support the intent of the legislation to require the use of BAT for nitrogen removal on all new, repair and replacement systems. Installation of BAT on all new repair and replacement OSDS is a critical component of the State's strategy for meeting water quality standards and restoring Chesapeake Bay. The Department is currently supporting legislation (HB 176) that will accomplish this on a much faster schedule (by October 1, 2009) than House Bill 1083.

House Bill 1083 would reduce the Bay Restoration Fund for upgrading OSDS by one third or approximately \$2.4 million per year. This is enough money to fund 200 BAT upgrades per year. The legislation proposes to redirect the BRF funds to be used for inspections of the State's 420,000 OSDS at 10-year intervals, resulting in 42,000 inspections per year. The Bill further specifies that a dye test be a required part of every inspection. A dye test generally requires a return visit doubling the number of mandated inspections to over 80,000 per year. While the Department believes that onsite sewage disposal systems should be regularly inspected and recommends that owners have their systems inspected and pumped out at least once every three years, the Department believes that available inspection resources would be more cost-effectively utilized to inspect and maintain advanced BAT systems rather than to inspect all systems. The vast majority of conventional septic systems are passive, requiring no moving parts or electricity in order to function properly.

In addition, this legislation would restrict MDE's enforcement authority over an owner of a failing OSDS if the owner can establish financial hardship and MDE cannot provide the funds for a repair or replacement. In situations where grant funds are exhausted and a failing system is owned by a person who meets financial hardship requirements, this would present a risk to the public health due to sewage leaking onto the ground surface.

**FOR MORE INFORMATION,**  
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